

Mail Stop Interference
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Paper 1
Filed: 29 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

VLAD J. NOVOTNY and YEE-CHUNG FU
Junior Party
(Patent 6,914,710),

v.

OSAMU TSUBOI, SATOSHI UEDA, YOSHIHIRO MIZUNO,
IPPEI SAWAKI and FUMIO YAMAGISHI
Senior Party
(Application 11/480,512).

Patent Interference No. 105,660 (SCM)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 1:00 p.m. on 26 February 2009 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: VLAD J. NOVOTNY, Las Gatos, CA
YEE-CHUNG FU, Fremont, CA

Involved Patent: Patent 6,914,710, issued 05 Jul. 2005, based
on application 10/032,198, filed 20 Dec.
2001

Title: MULTI-AXIS MICRO-ELECTRO-
MECHANICAL ACTUATOR

Assignee: Active Optical MEMS, Inc.

Senior Party

Named Inventors: OSAMU TSUBOI, Kawasaki-shi, JP
SATOSHI UEDA, Kawasaki-shi, JP
YOSHIHIRO MIZUNO, Kawasaki-shi, JP
IPPEI SAWAKI, Kawasaki-shi, JP
FUMIO YAMAGISHI, Kawasaki-shi, JP

Involved Application: Application 11/480,512, filed 05 Jul. 2006

Title: MICROMIRROR UNIT AND METHOD
OF MAKING THE SAME

Assignee: Fujitsu Limited

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 36 of Tsuboi's Application 11/480,512

The claims of the parties are:

Novotny: 1-24

Tsuboi: 36

The claims of the parties which correspond to the Count are:

Novotny: 1-7, 9-16 and 18-22

Tsuboi: 36

The claims of the parties which do not correspond to the Count, and therefore are not involved in the interference, are:

Novotny: 8, 17, 23 and 24

Tsuboi: none

The parties are accorded the following benefit for the Count:

Tsuboi: Application 11/082,881, filed
18 Mar. 2005, now Patent
7,099,066, issued 29 Aug. 2006

Application 09/950,710, filed
13 Sep. 2001, now Patent
6,887,396, issued 03 May 2005

Novotny: none

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of

this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy of Patent 6,914,710
Copy of Patent 7,099,066
Copy of Patent 6,887,396
Copy of claim of Application 11/480,512

Revised 3 January 2006

cc (via overnight delivery):

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